

FACSIMILE COVER SHEET



UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII
Voice Contact Number (808)
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United States Courthouse PJKK Bldg.
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Honolulu, Hawaii 96850

TO: Margot Nakagawa
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DATE SENT: 9/23/2005

Number of pages including cover sheet 5

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EXHIBIT 5

MINUTES

COPY

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

9/19/05 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CV NO. 03-00130MLR
CASE NAME: John A. Moffett Vs. SMF Systems Corporation
ATTYS FOR PLA: Barbara A. Petrus, Donna H. Kalama and Lindalee Farm
ATTYS FOR DEFT: Lynne T. T. Toyofuku and Nichole K. Shimamoto
INTERPRETER:

JUDGE: Manuel L. Real

REPORTER: Cynthia Fazio

DATE: 9/19/05

TIME: 9:30a.m -9:50am

COURT ACTION: EP: Various Motions' in Limine-

1. Plaintiff John A. Moffett's Motion in Limine to exclude documents relating to the formal counseling and termination of Monica Nelson (Docket No. 123)-This Motion is hereby Denied.
2. Plaintiff John A. Moffett's Motion in Limine to exclude testimony regarding statements allegedly made by Aida Hill (Docket No. 124)-is hereby Denied.
3. Plaintiff John A. Moffett's Motion in Limine to exclude documents and testimony relating to other employees allegedly fired by SMF Systems Corporation for unprofessional conduct (Docket No. 125)-Court reserves Judgment on this Motion.
4. Plaintiff John A. Moffett's Motion in Limine to exclude the report of the Inspector General's Department of Defense Investigation (Docket No. 126)-Court reserves Judgment of this Motion.
5. Plaintiff John A. Moffett's Motion in Limine regarding unredacted copies of U.S. Army criminal investigation command reports of investigation (Docket No. 129)-is hereby Granted.
6. Defendants SMF Systems Corporation, Tom Caffrey, Ruby Caffrey's Motion in Limine No. 1 to exclude evidence or testimony of defendants' financial condition unless a

and until a case for punitive damages is established (Docket No. 98)-is hereby Granted.

7. Defendants SMF Systems Corporation, Tom Caffrey, Ruby Caffrey's Motion in Limine No. 2 to exclude Linda K. Kreis as an Expert Witness (Docket No. 99)- is hereby Granted.

8. Defendants SMF Systems Corporation, Tom Caffrey, Ruby Caffrey's Motion in Limine No. 3 to Limit the Expert Testimony of Kenneth N. Juke, M. D. Thomas, L. Fiester, P. H. D., Dr. Haleh Nekoorad-Long and Dr. Laurence Granston (Docket No. 100)-Court reserves Judgment on this Motion.

9. Defendants SMF Systems Corporation, Tom Caffrey, Ruby Caffrey's Motion in Limine No. 6 to exclude testimony of Ryan Blount, Lisa Medreno, Rob Schady, Lt. Co. John Stancu, Scott Swim, Lt. Col. Christopher Teasly and Bernard Vailuu (Docket No. 103)-is hereby Denied as to Bernard Vailuu

10. Defendants SMF Systems Corporation, Tom Caffrey, Ruby Caffrey's Motion in Limine No. 7 to exclude Testimony of Monica Nelson (Docket No. 104)-is hereby Denied.

11. Defendants SMF Systems Corporation, Tom Caffrey, Ruby Caffrey's Motion in Limine No. 8 to exclude all testimony and evidence related to Mark Johnson (Docket No. 105)-is hereby Denied.

12. Defendants SMF Systems Corporation, Tom Caffrey, Ruby Caffrey's Motion in Limine No. 9 to exclude testimony of Rowena Tanicala (Docket No. 106)-is hereby Granted.

13. Defendants SMF Systems Corporation, Tom Caffrey, Ruby Caffrey's Motion in Limine No. 10 to exclude testimony of Peter Pay (Docket No. 107)-Court reserves Judgment.

14. Defendants SMF Systems Corporation, Tom Caffrey, Ruby Caffrey's Motion in Limine No. 11 to exclude testimony of James Michael ("Mick") Hipsher (Docket No. 108)-Court reserves Judgment.

15. Defendants SMF Systems Corporation, Tom Caffrey, Ruby Caffrey's Motion in Limine No. 12 to exclude testimony and evidence against David Millare and/or TNOSC (Docket No. 109)-is hereby Granted.

16. Defendants SMF Systems Corporation, Tom Caffrey, Ruby Caffrey's Motion in Limine No. 13 to exclude testimony and evidence regarding complaints by individuals other than Plaintiff (Docket No. 110)-Court reserves Judgment.

17. Defendants SMF Systems Corporation, Tom Caffrey, Ruby Caffrey's Motion in Limine No. 15 to exclude testimony and evidence regarding Defendant SMF Systems Corporation's contract with the United States Government (Docket No. 112)-is Court reserves Judgment.

18. Defendants SMF Systems Corporation, Tom Caffrey, Ruby Caffrey's Motion in Limine No. 16 to exclude hearsay and/or speculative testimony regarding alleged statements of other individuals (Docket No. 113)-is hereby Granted.

19. Defendant SMF Systems Corporation, Tom Caffrey, Ruby Caffrey's Motion in Limine No. 17 to exclude hearsay and/or speculative testimony regarding all aspects of the investigations by the U. S. Inspector General and the Hawaii Fraud Resident Agency (Docket No. 114)-is hereby Granted.

20. Defendants SMF Systems Corporation, Tom Caffrey, Ruby Caffrey's Motion in Limine No. 18 to exclude opinion testimony and evidence of Plaintiff's performance (Docket No. 115)-is hereby Denied.

21. Defendants SMF Systems Corporation, Tom Caffrey, Ruby Caffrey's Motion in Limine No. 19 to exclude alleged performance evaluation of plaintiff and related testimony (Docket No. 116)-is hereby Granted.

22. Defendants SMF Systems Corporation, Tom Caffrey, Ruby Caffrey's Motion in Limine No. 20 to exclude hearsay and/or speculative testimony regarding the termination of any employee (Docket No. 117)-is hereby Granted.

23. Defendants SMF Systems Corporation, Tom Caffrey, Ruby Caffrey's Motion in Limine No. 21 to exclude hearsay and/or speculative testimony regarding Monica Nelson's alleged complaints (Docket No. 118)-is hereby Granted.

24. Defendants SMF Systems Corporation, Tom Caffrey, Ruby Caffrey's Motion in Limine No. 22 to exclude revised training reimbursement form and related testimony (Docket No. 119)-is hereby Granted.

25. Defendants SMF Systems Corporation, Tom Caffrey, Ruby Caffrey's Motion in Limine No. 23 to exclude plaintiff's December 2001 complaint to the Department of Defense (Docket No. 120)-is hereby Granted.

26. Defendants SMF Systems Corporation, Tom Caffrey, Ruby Caffrey's Motion in Limine No. 24 to exclude the CID Reports of investigation and related testimony (Docket No. 121)-Court reserves Judgment.

27. Defendants SMF Systems Corporation, Tom Caffrey, Ruby Caffrey's Motion in Limine No. 25 to limit the claims to those listed in the complaint and remaining in the

case (Docket No. 122)-No ruling by this Court at this time.

Petition by Plaintiff for reconsideration of Minute Order Dated September 14, 2005 as to plaintiff's time allotment and for alternative means of presenting trial testimony and/or other scheduling relief-is hereby Denied.

PreTrial Conference-General Discussion regarding Trial related matters.

Submitted by Leslie L. Sai, Courtroom Manager